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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ABEL CÁNTARO CASTILLO;
ALCIDES INGA RAMOS, RAFAEL DE LA
CRUZ, and those similarly situated,

Plaintiffs,

vs.

WESTERN RANGE ASSOCIATION;
EL TEJON SHEEP COMPANY; MELCHOR
GRAGIRENA; MOUNTAIN PLAINS
AGRICULTURAL SERVICE; and ESTILL
RANCHES, LLC,

Defendants.

CASE NO. 3:16-cv-00237-RCJ-CLB

**PLAINTIFFS' MOTION TO ADOPT THE PARTIES' JOINT PROPOSED
AMENDED SCHEDULING ORDER**
(First Extension Request)

Plaintiffs respectfully request the Court adopt the stipulated amended scheduling order submitted jointly by the parties on April 3, 2020. Dkt. 190. The Court denied the stipulation without prejudice to it being resubmitted in conformance with Local Rule 26-4. Plaintiffs promptly began working on a revised draft, and emailed counsel for WRA on April 6, 2020 regarding same. However, on April 8, 2020, Plaintiffs' counsel learned that lead counsel for WRA was ill (thus explaining the lack of response to the April 6th draft), and that WRA was seeking an extension on pending briefing. Given the temporary unavailability of counsel for WRA, and the urgency of addressing existing deadlines, Plaintiffs submit this motion in support of the schedule previously submitted as a joint stipulation, in order to address the requirements of Local Rule 26-4.

1 A. Discovery Completed to Date

2 The parties have substantially completed written discovery. On November 1, 2019
3 WRA served on Plaintiff (a) WRA's Amended Request for Production (21 RFPs); (b) WRA's
4 Interrogatories (15 interrogatories); and (c) WRA's Request for Admissions (15 RFAs).
5 Plaintiff provided his responses to all three on December 23, 2019, and supplemented with
6 additional documents on February 4, 25, and March 9, 2020. Plaintiff produced a total of 87
7 pages of documents. Defendant has not expressed any concern about the completeness of
8 Plaintiff's responses to written discovery.

9 On January 18, 2017, Plaintiffs served their First Request for Production (31 RFPs),
10 and First Set of Interrogatories (1) on WRA, which responded on March 10, 2017. The
11 parties had begun to discuss deficiencies in WRA's response when the case was dismissed
12 and discovery did not reopen until October 31, 2019. On December 10, 2019, Plaintiffs
13 served their Second Requests for Production (3 RFPs) and Second Set of Interrogatories (2),
14 which WRA responded to on January 31, 2020. On January 22, 2020, Plaintiffs served their
15 First Requests for Admission (7 RFAs), Third Requests for Production (3 RFPs), and Third
16 Set of Interrogatories (4), to which WRA responded on February 21, 2020. In total, Plaintiffs
17 served 37 requests for documents, 7 interrogatories and 7 requests for admission on WRA.
18 Plaintiffs sent a lengthy series of communications to WRA seeking to resolve disputes over
19 WRA withholding responsive documents and information, as set for in Plaintiffs' Motion to
20 Compel (Dkt. 188). Defendant produced supplemental responses to various requests for
21 production between February 27 and March 6, 2020, and supplemental document production
22 was not received until March 12, 2020. Defendant has produced a total of 3,240 pages of
23 documents to date.

24 B. Discovery Remaining to Be Completed

25 With respect to written discovery, the only remaining discovery is that encompassed
26 by Plaintiffs' motion to compel (Dkt. 188). Defendant's response to that motion was
27 originally due on April 1, 2020, and Plaintiff consented to an extension until April 8, 2020.
28 Defendant has just sought a further, extension on its response, Dkt. 199, which Plaintiffs

1 address separately in their response to that motion.

2 No depositions have been completed as of yet, and that is the most significant
3 discovery remaining. The deposition of plaintiff is the subject of a motion for protective
4 order (Dkt. 182, 186, 187) and a motion to compel (Dkt. 185, 189). Specifically, due to his
5 inability to obtain a visa, Plaintiff proposes that his deposition proceed via video conference,
6 to which Defendant objects. The Rule 30(b)(6) depositions of WRA are also impacted by the
7 pending motions in that Defendant has objected to any deposition of WRA until the
8 deposition of Plaintiff has been completed in person. Defendant has also objected to
9 Plaintiff's proposal to take deposition of WRA's designated witnesses by video conference,
10 although this dispute has not yet been briefed. It is possible that Plaintiffs will wish to take
11 one or two additional depositions, but that is dependent upon the scope of knowledge of
12 WRA's Rule 30(b)(6) designees.

13 Expert work has not yet begun, as it is dependent upon resolution of pending
14 discovery disputes and depositions not yet completed.

15 C. Reasons for Needing Additional Time and Proposed Amended Schedule

16 Plaintiffs' efforts to resolve the disputes over written discovery are set forth in detail
17 in the pending motion to compel and supporting declaration (Dkt. 188). Despite diligent
18 efforts, counsel for Defendant was not available for necessary meet and confer conversations
19 until February 10 and 13, 2020. Plaintiffs then waited on receipt of supplemental document
20 production which did not arrive until March 12, 2020, to determine whether the documents
21 produced would satisfy outstanding requests. Thus, Plaintiff's motion to compel was filed on
22 March 18, 2020, and has not yet been ruled upon due to Defendant's requests for additional
23 time to respond. In addition, WRA has submitted a declaration stating that it is currently
24 unable to access some responsive documents which are in storage. Dkt. 199-2 at ¶¶17-18.
25 Thus, even after a ruling on the pending motion to compel, if any further production is
26 ordered, it is not clear how soon production could be made.

27 The delay in completing Plaintiff's deposition has been due to the unsuccessful efforts
28 to obtain a visa for him to enter the U.S., and WRA's objection to proceeding with his

deposition by video. The motions related to this deposition have been fully briefed, but for WRA's reply in support of its motion to compel. If the Court directs that the deposition take place by video conference as Plaintiffs propose, the parties will need some time to make arrangements (Plaintiffs' counsel may ship a laptop computer to Plaintiff for best results).

Plaintiffs originally sought to depose WRA on March 12, a date on which counsel for WRA had a conflicting hearing. Plaintiffs then rescheduled the depositions for April 21-22, and proposed to proceed by video in light of travel restrictions. WRA objected to proceeding by video deposition, and, moreover, lead counsel for WRA is now unavailable due to illness. Dkt. 199-1. These depositions will need to be rescheduled when some counsel for WRA is available, and after resolution of the issue of proceeding by video is resolved, or travel restrictions are lifted.

Expert work is dependent upon receipt of data and documents that are the subject of the motion to compel, and on information expected to be obtained in deposition. Thus, the current expert deadline of April 24, 2020 is impossible to meet.

Given the pending discovery disputes, the geographically dispersed witnesses and parties, and the additional hurdles imposed by the current pandemic, the parties propose the revised dates below in order to permit completion of discovery, and completion of expert work, which impacts the deadlines for briefing class certification and summary judgment.

Event	Deadline Date
Expert Disclosures Exchanged	November 20, 2020
Rebuttal-Expert Disclosures Exchanged	December 31, 2020
Motion for Class Certification to be Filed	January 15, 2021
Discovery Cut-Off	January 29, 2021
Dispositive Motions to be Filed	February 26, 2021
Pretrial Order to be Filed	June 4, 2021

The parties further propose Trial Dates of July 5, 2021, July 12, 2021 or July 19, 2021.

This request is made in good faith and not for purposes of delay.

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Dated April 9, 2020

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2020, a true and correct copy of the foregoing was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By: /s/ Christine E. Webber
Christine E. Webber